

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at GREENEVILLE

ASHLEY GIBSON )  
 )  
Petitioner, )  
 )  
v. ) 2:05-cv-270  
 ) 2:03-cr-022  
 ) Phillips  
 )  
UNITED STATES OF AMERICA )  
 )  
Respondent. )

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum Opinion, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**E N T E R:**

s/ Thomas W. Phillips  
United States District Judge